

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed October 5, 2004. Claims 1-18 are presented herewith.

Rejection of Claims 1-9 and 12-18 Under 35 U.S.C. §102(b)

Claims 1-9 and 12-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,076,109 to Kikinis ("Kikinis"). Applicants respectfully traverse the rejection as follows.

Kikinis relates to a hypertext protocol involving a remote device, such as a hand-held unit 13 operatively coupled to a proxy server 19. The proxy server 19 is in turn operatively coupled to a web server, referred to as "any web server" 23. In operation, the remote unit 13 makes a request on the any web server 23 via the proxy server 19. If the any web server 23 receives a request, it then transfers information to the remote unit 13 via the proxy server 19.

Kikinis states that the use of proxy server 19 in embodiments "is not the conventional or typical functions of a WEB server as known in the art." (Col 5, lines 47-49). Rather, the disclosed purpose of proxy server 19 throughout Kikinis is to improve the functionality of hand-held computer 13:

Proxy-Server 19 exists in this embodiment of the invention to perform functions enabling hand-held computer 13 to operate as an apparently powerful web-browsing machine, even though the stand-alone capability of computer 13 will not even begin to support such functionality. (Col. 6, lines 5-9).

Proxy-Server 19, instead of displaying the downloaded data (or playing video and/or audio output, as the case may be, depending on the downloaded data), translates the data to a simpler communication protocol and sends the data to computer 13 for output over link 15 in a TCP/IP protocol. . . Proxy-Server 19 thus acts as a proxy for computer 13, performing those functions of WEB browsing computer 13 cannot perform. (Col. 6, lines 39-47).

The problems addressed by the system of Kikinis, and the solutions to those problems, are entirely different and wholly unrelated to the problems and solutions thereto provided by the present invention. As set forth above, Kikinis discloses a system where a hand-held computer 13 and proxy server 19 cooperate with each other to communicate with, in a broadest sense another computing

device. This other computing device is referred to in Kikinis as “any Web Server 23.” The proxy server allows the computer 13 to access information from any Web Server 23, and formats the information in a way that is optimized for the limited capacity hand-held computer 13.

By contrast, the present invention relates to maintaining secure communications and preventing unwanted access from outside sources. The present invention explains that communications between networked computers are generally protected against unwanted access from outside sources (*e.g.*, hackers, etc.) because the networked computers reside behind a firewall. (Application, page 15, lines 1-9). Likewise, where a computer within the network requests information from outside of the firewall, responses to those requests are generally secure because they were requested from within the firewall. (Application, page 15, lines 9-11).

A problem presented in the prior art, and a problem addressed by the present invention, is how to allow the transfer of information to/from a base computer where the request for information is generated from a remote device outside of the security set up for the base computer. This problem is nowhere contemplated in Kikinis, nor are the solutions of the present invention contemplated in Kikinis.

The present invention addresses this problem by the base computer 14 establishing contact with a central server system 12, which server system 12 in turn is in communication with a remote device 16. In operation, the remote device 16 may transmit tasks intended for the base device. These tasks are received by the server system 12 where they are held. The base device then establishes a connection with the central server system 12 to check for tasks from the remote device 12, and to send tasks to the remote device 12. As communication originates with the base device, security of the base device is maintained.

Referring now to specific claim language, Claims 1-9 each expressly recite features that are nowhere disclosed, taught or suggested in Kikinis. For example, Independent Claim 1 recites in part:

establishing a persistent connection between said central server system and a base computer *in response to intermittent contact from said base computer to said central server system.* (Emphasis added).

Nowhere does Kikinis disclose or suggest that communications between a base computer and a central server system are established in response to contact, intermittent or otherwise, from the base computer to the central server system. Communication with the web server 23 in Kikinis is initiated by the proxy server 19 at the request of the remote computer 13. Server 23 is broadly described as being any server (and is in fact called “any web server” 23), including generally public websites. It would be clear to one of average skill in the art that the “any web server” 23 does not initiate communications with either the remote unit 13 or the proxy server 19. Instead, the any web server 23 merely replies to requests once it is contacted.

The Examiner has indicated that the above described claim element is shown in Kikinis at the “Abstract; col. 15, lines 33-41 ‘Eventually opened communications may stay open however, until they are closed by either the user or by the server.’” Regardless of what Kikinis shows at the cited portions and regardless of what communications are closed by the user or server, nothing in Kikinis discloses or suggests communications between a base computer and a central server system that are established in response to contact from the base computer to the central server system.

Similarly, independent Claim 12, and Claims 13-15 dependent thereon, recite in part:
a server system in operative communication at least one remote device and at least one base computer *responsive to establishment of a respective connection by said base computer and said remote device.* (Emphasis added).

Again, a claim reciting this feature is nowhere disclosed, taught or suggested in Kikinis. Kikinis discloses a proxy server responsive to establishment of a connection from a remote device. Kikinis does not disclose a proxy server responsive to establishment of a connection from *both* a remote device and a base computer.

Similarly, independent Claim 16, and Claims 17-18 dependent thereon, recite in part:
an intermediary server coupled to a network and a mobile device, the intermediary server interpreting a task list ... *when the agent on the base device makes itself available for requests by logging into the intermediary server and establishing a connection with the intermediary server.* (Emphasis added).

As discussed above, Kikinis has no disclosure, teaching or suggestion of a base device logging into an intermediary server and establishing a connection with the intermediary server.

It is axiomatic that each and every claim limitation must be found in a single prior art reference to support a rejection under §102. *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 20 (Fed. Cir. 2000). Omission of any claimed element, no matter how insubstantial, is grounds for traversing a rejection based on §102. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983). As Kikinis has no disclosure, teaching or suggestion of a system where communication is initiated by the base device, and as Kikinis does not even address the problem to which this solution is directed, it is respectfully submitted that the invention recited in Claims 1-9 and 12-18 is patentable over the cited reference. It is therefore respectfully requested that the rejection of these claims on §102 grounds be withdrawn. If the Examiner maintains the rejection on these grounds, it is respectfully requested that the Examiner specifically point out where the above described claim limitations are found in the cited reference.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, April 5, 2005.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: April 5, 2005

By: 

Brian I. Marcus
Reg. No. 34,511

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 Market Street, Suite 540
San Francisco, California 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665